

04-23-01

A

PATENT

Atty Docket No. 392531

Express Mail Label No. EL846918768US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
 Commissioner for Patents  
 Washington, D.C. 20231

11046 U.S. PTO  
 09/838993  
 04/20/01

NEW APPLICATION TRANSMITTAL  
 (35 U.S.C. § 111 AND 37 CFR § 1.53)

Transmitted herewith for filing is the patent application of

Inventor(s): Charles A. Jennings

For (title): SYSTEM AND METHOD FOR STREAMING MEDIA

1. Type of Application

- ☐ original  
☐ design  
☐ plant  
☐ divisional  
☐ continuation  
☒ continuation-in-part (C-I-P)

2. Benefit of Prior U.S. Application(s) (35 USC 120)

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s).

US APPLICATION(S)

US FILING DATE

09/766,519

January 19, 2001

CERTIFICATE UNDER 37 C.F.R. § 1.8 and § 1.10

I hereby certify that, on the date shown below, this correspondence is being

- ☒ deposited with the United States Postal Service in an envelope addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231 with sufficient postage:

MAILING

- 37 C.F.R. § 1.8  
☐ as first class mail.

- ☒ 37 C.F.R. § 1.10  
 as "Express Mail Post Office to Addressee"  
 EXPRESS MAIL LABEL NO. EL846918768US

FACSIMILE TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office

Wendy Precht  
 Name of Depositor

Wendy Precht  
 Signature

April 20, 2001  
 Date

**3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application**

<u>57</u>	Pages of specification
<u>32</u>	Pages of claims
<u>1</u>	Page of abstract
<u>5</u>	Pages of Declaration
<u>8</u>	Sheets of drawings (Figs. 1-8)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).

**4. Additional papers enclosed**

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 CFR 1.98)
- ☐ Form PTO-1449 (Modified) and \_\_\_ cited references
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Pre-addressed postal card
- ☒ Power of Attorney by Assignee of Entire Interest
- ☒ Request and Certification To Opt Out Of Publication Under 35 U.S.C. 122(b)(2)(B)(i)

**5. Declaration or oath**

- ☒ Enclosed  
executed by (*check all applicable boxes*)
- ☒ inventor(s).
  - ☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43
  - ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ this is the petition required by 37 C.F.R. § 147 and the statement required by 37 C.F.R. § 147 is attached.
- ☐ Not Enclosed
- ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all the above-named inventor(s)*. (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e), can be filed subsequently.)

6. **Assignment**

- ☒ An assignment of the invention to World Streaming Network, Inc.
- ☐ as filed on \_\_\_\_\_ and recorded \_\_\_\_\_,  
reel \_\_\_\_\_, frame \_\_\_\_\_.
- ☒ is attached.
- ☐ will follow.
- ☒ A separate Recordation Form Cover Sheet or Form PTO-1619 is attached.

7. **Fee Calculation (37 CFR 1.16)**

- A. ☒ Regular Application

**CLAIMS AS FILED**

Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$710.00
Total Claims (37 CFR 1.16(c))	147-20=127	X \$ 18.00	\$ 2,286.00
Independent Claims (37 CFR 1.16(b))	18- 3 =15	X \$ 80.00	\$ 1,200.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))		X \$260.00	\$ 0.00

- ☐ Amendment canceling extra claims enclosed.
- ☐ Amendment deleting multiple-dependencies enclosed.
- ☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 4,196.00

8. **Small Entity Statement(s)**

- ☒ This is a filing by a small entity under 37 CFR 1.27.

Filing Fee Calculation (50% of A, B, or C above) \$ 2,098.00

**9. Fee Payment Being Made At This Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

☒ Enclosed

<input checked="" type="checkbox"/>	basic filing fee	\$ <u>2,098.00</u>
<input checked="" type="checkbox"/>	recording assignment (\$40.00; 37 CFR 1.21(h)) (See attached) Recordation Form Cover Sheet or Form PTO-1619	\$ <u>40.00</u>
<input type="checkbox"/>	petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 CFR 1.47 and 1.17(h))	\$ _____
<input type="checkbox"/>	for processing an application with a specification in a non-English language. (\$130.00; 37 CFR 1.52(d) and 1.17(k))	\$ _____
<input type="checkbox"/>	processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))	\$ _____
<input type="checkbox"/>	fee for international-type search report (\$40.00; 37 CFR 1.21(e))	\$ _____

**Total fees enclosed** \$ 2,138.00

**10. Method of Payment of Fees**

☒ Check(s) in the amount(s) of \$ 2,138.00

☐ Charge Account No. 12-0600 in the amount of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

**11. Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 12-0600.

- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees).
- ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims).
- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application).
- ☐ 37 CFR 1.17 (application processing fees).
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

**12. Instructions As To Overpayment**

- ☒ credit Account No. 12-0600.  
☐ refund.

**13. Incorporation by reference of added pages**

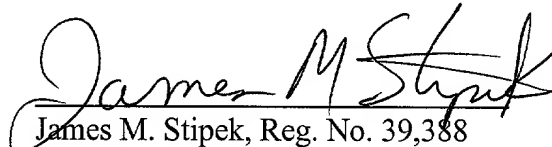
- ☒ Plus Added Pages For Papers Referred To In Item 4 Above  
Number of pages added 3
- ☒ Plus "Assignment Cover Letter Accompanying New Application"  
Number of pages added 1

**14. ☒ Statement Where No Further Pages Added**

- ☒ This transmittal ends with this page.

Respectfully submitted,

LATHROP & GAGE, L.C.



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ATTORNEY OF RECORD

JMS/892470

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Matter No.

Applicant(s): Charles A. Jennings

389175

Serial No.

Filing Date

Examiner

Group Art Unit

Not Yet Assigned

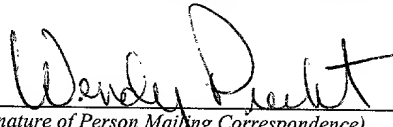
Filed Herewith

Not Yet Assigned

Not Yet Assigned

Invention: System and Method for Streaming Media

I hereby certify that this New Application Transmittal (5 pages, in duplicate); a New Patent Application (57 pages of specification, 32 pages of claims, 1 page of abstract, and 8 sheets of drawings, (Figs. 1-8)); a Combined Declaration And Power of Attorney (5 pages); a Request And Certification To Opt Out Of Publication Under 35 U.S.C. 122(b)(2)(B)(i) (1 page); a Recordation Form Cover Sheet (1 page); an Assignment (3 pages); Power of Attorney By Assignee of Entire Interest And Certificate of Assignee Under 37 C.F.R. 3.73(b); with copy of Assignment attached (2 pages); a check in the amount of \$2,138.00; a Certificate of Mailing by Express Mail Post Office to Addressee (1 page); and a pre-addressed postcard are being deposited with the U.S. Postal Service under 37 CFR 1.10 in an envelope addressed to: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231 on this 20th day of April, 2001.

Wendy Precht*(Typed or Printed Name of person Mailing Correspondence)*  
Wendy Precht*(Signature of Person Mailing Correspondence)*Express Mail No. EL 846918768US*("Express Mail" Mailing Label Number)*

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
TO OPT OUT OF  
PUBLICATION UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

Inventor(s)	Charles A. Jennings
Title	System And Method For Streaming Media
Atty Docket Number	392531

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

20 April 2001  
Date

James M. Stipek  
Signature

James M. Stipek  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement. This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENT TO: Assistant Commissioner for Patents, Washington, DC 20231.